**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION No.11800 OF 2006**

**ORAL ORDER:**

Heard the learned counsel for the petitioner and the learned Assistant Solicitor General, appearing for the respondent.

The petitioner seeks a declaration that the action of the respondent in rejecting the request of the petitioner for emigration clearance is arbitrary and illegal.

Under Section 22 of the Emigration Act, 1983 (for short "the Act"), an application for emigration clearance can be rejected on any one or more of the grounds specified thereunder.

Sub-section (6) of Section 22 of the Act provides that the order rejecting the application for emigration clearance shall set out clearly the ground or grounds on which the order has been made and the facts or circumstances on which such ground or grounds are based.

In the case on hand, the impugned order dated 9.6.2006, runs as under:

> "With reference to your application for ECNR this is to inform you that Arrival and Departure stamps are not in order. So your Passport bearing No.A7086407 dated 14/01/1999 is being returned to your without service."

As rightly pointed out by the learned counsel for the petitioner, the above order is not only cryptic, and ambiguous, but the only reason stated, that the Arrival and Departure stamps are not in order, does not fall under any of the grounds specified in sub-section (5) of Section 22 of the Act.

In the circumstances, the impugned order dated 9.6.2006, which is unsustainable is hereby, set aside, and the writ petition is disposed of with a direction to the respondent to consider the request of the petitioner for emigration clearance afresh, and pass appropriate orders in accordance with law.

The writ petition is accordingly, disposed of. No costs.

**(G. ROHINI, J.)**

22nd June, 2006.

Kgr

Issue CC by tomorrow.

**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION No.11800 OF 2006**

22nd June, 2006.

Between:

Anantapuram Ramasubbamma. .. Petitioner.

And

The Regional Passport Officer,

8-2-215 to 219, Adjacent to

Prashanth Theatre, Kummaraguda,

Secunderabad. .. Respondent.